

ASSEMBLY BILL

No. 568

Introduced by Assembly Member Karnette
(Coauthor: Senator Lowenthal)

February 21, 2007

An act to add Article 4 (commencing with Section 6089) to Chapter 2 of Part 3 of Division 8 of the Harbors and Navigation Code, relating to harbors and ports.

LEGISLATIVE COUNSEL'S DIGEST

AB 568, as introduced, Karnette. Port Community Advisory Committee.

Under existing law, a county or portion thereof, a city or portion thereof, or more than one city with or without a portion of the unincorporated territory of a county, the exterior boundary of which includes a harbor, may be formed into a harbor district for the improvement or development of the harbor. A district is governed by a board of harbor commissioners.

This bill would require a board of harbor commissioners, by January 1, 2009, to establish a port community advisory committee to respond to specified actions and impacts on harbor area communities. The committee would be composed of members from various community and other organizations.

The bill would set forth the duties of the committee. The bill would require a board of harbor commissioners to annually allocate funds from its general budget to support the committee, and to provide office space and office services. By creating a new duty for a board of harbor commissioners, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) There are numerous ports in the State of California that
4 currently conduct several billions of dollars in annual domestic
5 and international business and whose sizes have reached thousands
6 of acres. Most ports border residential communities, civic centers,
7 commercial business districts, public transportation corridors,
8 public beaches, public parks, protected wetlands, or wildlife
9 preserves.

10 (b) Ports and their business activities cause significant and
11 disproportional environmental, public health, traffic congestion,
12 economic, and public safety impacts on bordering harbor
13 communities and neighboring cities.

14 (c) In 2001, the Port of Los Angeles Board of Harbor
15 Commissioners, supported by the Mayor of the City of Los
16 Angeles, voted to create the first port community advisory
17 committee in California.

18 (d) There are currently over 25 voting members representing
19 25 organizations on the Port of Los Angeles Community Advisory
20 Committee and nine subcommittees. The committee is composed
21 of 10 ex officio members and three ad hoc members. Ex officio
22 members include the Mayor of Los Angeles, a city council member,
23 a harbor planning commission member, a county supervisor,
24 Assembly Members, Senate Members, and congressional members.
25 Ad hoc members include representatives of the South Coast Air
26 Quality Management District, the State Air Resources Board, and
27 the California Environmental Protection Agency.

28 (e) Harbor communities in the Port of Los Angeles, Port of
29 Long Beach, Port of Oakland, Port of San Francisco, and Port of

1 San Diego have expressed their desire to establish a state law for
2 local port community advisory committees.

3 SEC. 2. Article 4 (commencing with Section 6089) is added
4 to Chapter 2 of Part 3 of Division 8 of the Harbors and Navigation
5 Code, to read:

6
7 Article 4. Port Community Advisory Committee
8

9 6089. By January 1, 2009, a board shall establish a community
10 advisory committee. For purposes of this article, “committee”
11 means community advisory committee.

12 6089.1. (a) A committee shall be composed of members from
13 community organizations, neighborhood councils, residential
14 groups, senior citizen organizations, public health organizations,
15 environmental organizations, environmental justice organizations,
16 academic schools, religious groups, sports recreational teams, and
17 labor organizations who petition to be members.

18 (b) Each organization shall have been in existence for a
19 minimum of one year and may elect one voting representative and
20 one alternate to the committee. If no member of an organization,
21 as described in subdivision (a), petitions to be a member of the
22 committee, then that organization need not be represented.

23 (c) Ex officio members or ad hoc members may include elected
24 officials and designees of governmental agencies.

25 6089.2. A committee shall elect officers from the membership
26 who will chair and officiate at the monthly meetings, and organize
27 the committee’s activities.

28 6089.3. A committee may establish subcommittees, special
29 task forces, or sponsor special events, as may be necessary, to
30 support its activities and purposes.

31 6089.4. A committee shall do all of the following:

32 (a) Provide an open public forum for discussion of port project
33 proposals, reports, and actions, and of business activity impacts
34 on harbor area communities, and shall make recommendations to
35 the board.

36 (b) Assess the environmental, public health, economic, and
37 public safety impacts of city, county, regional, state, federal, and
38 international governmental agencies’ rules, regulations, laws,
39 international treaties, and bond measures on California harbor and
40 port communities, and make recommendations to the board.

1 (c) Review past, present, and future environmental impact
2 reports or statements, and environmental assessment documents
3 in an open public forum in order to discuss community concerns,
4 document inadequacies, project alternatives, and make mitigation
5 recommendations to the board in accordance with federal and state
6 law.

7 (d) Review current and developing alternative technologies that
8 would benefit a port's business activities and help mitigate any
9 environmental, public health, economic, or public safety impacts,
10 and make recommendations to the board.

11 (e) Prepare an annual report of the committee's activities and
12 accomplishments, and provide to the public a current membership
13 list and status of participation.

14 6089.5. The board and board staff shall respond to the
15 committee's recommendations, requests, and inquiries within 90
16 days of the submission or request. Recommendations, answers, or
17 actions requiring more than 90 days shall require the board or
18 board staff to submit a date for response, action, delivery,
19 completion, or a timeline for response, action, delivery, or
20 completion.

21 6089.6. The committee shall convene a public meeting a
22 minimum of once each month. Notice of a meeting shall be
23 provided 30 days in advance to all members, unless a 14 day public
24 notice is given of the cancellation of the scheduled meeting. All
25 public meeting notices, committee minutes, committee reports,
26 and submitted port documentation shall be made available to the
27 public a minimum of 30 days in advance of a public meeting on
28 the official port Web site and at the committee office.

29 6089.7. The board shall allocate funds from its general budget
30 to support the committee. Funds may be used to hire staff and an
31 environmental justice program coordinator, and support the
32 committee's activities.

33 6089.8. The board shall provide office space, meeting space,
34 telephone services, document duplication services, technical
35 assistance, and general support to the committee. The committee
36 shall sponsor conferences, conventions, training opportunities,
37 public hearings, or meetings for the port regarding goods
38 movement, economic development, and environmental and public
39 health issues.

1 SEC. 3. No reimbursement is required by this act pursuant to
2 Section 6 of Article XIII B of the California Constitution because
3 a local agency or school district has the authority to levy service
4 charges, fees, or assessments sufficient to pay for the program or
5 level of service mandated by this act, within the meaning of Section
6 17556 of the Government Code.

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